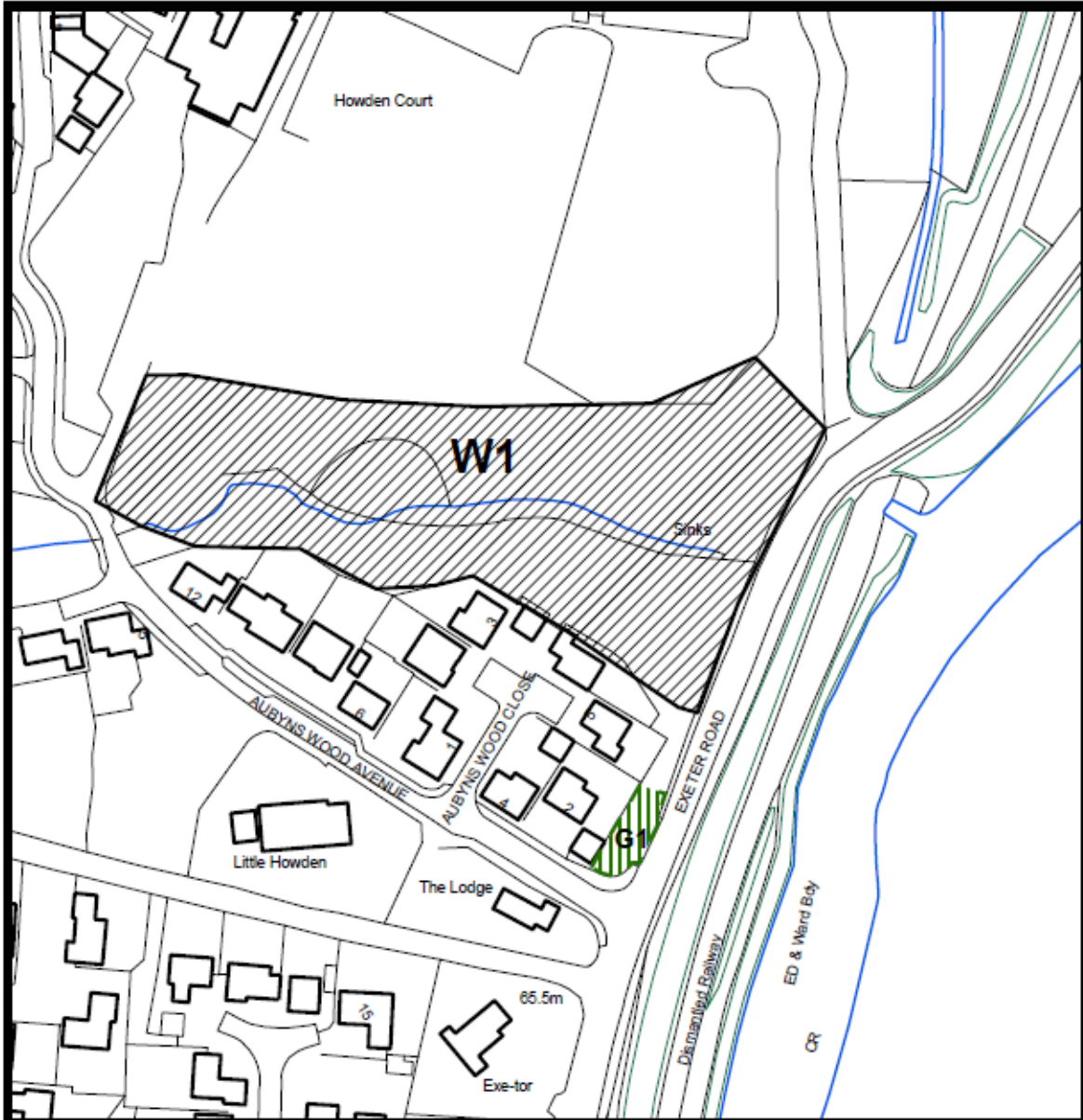


AGENDA ITEM

Application No. 17/0006/TPO

Grid Ref:

Location:
Aubyns Wood Avenue TIVERTON



Aubyns Wood Avenue/ Howden Court Woodland, Tiverton

Scale 1:1250 @ A4

Date 17th March 2017

17/00006/TPO

Produced by CL

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AGENDA ITEM

PLANNING COMMITTEE 28.2.2018

REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

The intention is to revoke the existing Area Tree Preservation Order at Howden Court, Tiverton (06/00016/TPO) and replace it with smaller more manageable Tree Preservation Orders following the completion of the development (17/00006/TPO; 17/00008/TPO; 17/00009/TPO and 17/00015/TPO).

This report and the following 3, refer to the revised Tree Preservation Orders now proposed to cover areas contained within the original Tree Preservation Order 06/00016/TPO and to protect trees in the new development.

This report relates to a proposed TPO ref: 17/00006/TPO which relates to:

- a) A group of trees (3 sycamore, 2 Beech and 1 Yew) at the junction of Aubyns Wood Avenue and Exeter Road
- b) A large area of woodland including Ash, Beech, Sycamore, Oak, Spruce and other trees to the north of Aubyns Wood Avenue and Aubyns Wood Close, running westwards from Exeter Road up to Aubyns Wood Rise

It had always been the intention of Mid Devon District Council following the confirmation of the 2006 Area Tree Preservation Order to review it following the redevelopment of the site.

It is acceptable to use an Area Order but it is recommended that the TPO be amended when possible.

RECOMMENDATION

That the Tree Preservation Order 17/00006/TPO is confirmed.

Relationship to Corporate Plan:

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

Financial Implications:

None

Legal Implications:

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

Risk Assessment:

None

Consultation carried out with:

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

DESCRIPTION/SITE HISTORY

The land here was formerly all known as Howden Court. Historically, it was used as school grounds. Before the development began, the majority of the school buildings had been demolished.

The lower pre-developed land consisted of concrete building foundations, surrounded by woodland and tree cover. The higher land was less tree covered and a large leylandii hedge was removed. The ground where houses have now been built was relatively tree free; very few trees were removed to implement the Planning Permission. The development was set into the existing tree landscape.

Within the area known as Howden Court is Howden Court itself and several other properties, which predate the new development. As such there were residents in the area before development began.

The majority of the trees on the site make up large woodland belts and this proposed TPO relates to one of the woodland belts. Other trees are within the gardens of existing property and on open space.

The original Tree Preservation Order was made to cover the entire area including the existing properties, using natural boundaries such as the Lane to the south.

Since the original Order was made in 2006 (06/00016/TPO) the site has been developed, with the majority of the works now complete. While there has been some tree loss it has been possible to retain the majority.

AMENITY EVALUATION

The overall amenity value of the tree cover at Howden Court is high. The woodland setting is on the edge of Tiverton and the trees are an important part of the wider landscape. The woodland is visible from Exeter Road, to the residents at Palmerston Park, pre-existing residents and the hundreds of new residents in the Howden Court development.

The retention of the trees was always an essential part of the development. They create the setting and back drop for the homes, making it a unique and desirable development with a sense of being well established.

The separate Tree Preservation Orders which have been created may vary slightly in their amenity value but it is necessary to consider the overall character and landscape of area in its entirety, hence why existing properties were also included in the original Tree Preservation Order.

The development is on the edge of Tiverton and close to open countryside, the woodland belts provide good habitat and connectivity with the surrounding land, creating green corridors through the site and into open countryside.

REPRESENTATION

An objection to the TPO has been made:

The objection only refers to the Beech and Oak trees adjacent to the property of 10 Aubyns Wood Avenue. The objection relates to the fact that the trees overhang the property and concerns about injury should one of the branches fall within the garden area.

MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS

At the time that the new properties in the area were purchased there was a Tree Preservation Order already in place so nothing has altered; apart from the details of Tree Preservation Order.

The objections and concerns relate only to where the trees directly affect the objectors property. Protecting the trees in the wider environment is considered to be a positive approach.

The objection refers to the Oak and Beech trees where they overhang the property. The trees are both mature and were pruned back at the time of development. The trees are an important part of the woodland and the conflict can be dealt with by pruning. The Tree Preservation Order will ensure that only suitable pruning is carried out, working to good arboricultural practices. Any dead or dangerous limbs can be removed with a 5 day notification. Other pruning work will require an application that should take up to 8 weeks. There is no fee for this application.

CONCLUSION

The trees at Howden Court and surrounding properties have been the subject of a Tree Preservation Order since 2006. The new Orders are to replace the original Area Order into more appropriate and manageable Orders.

The woodland setting should be cherished. The trees have grown very little since the properties have been completed and pruning work was carried out before construction started, to minimise the conflict. There may be an ongoing need for pruning in some cases but this should be arboriculturally justified and carried out to a high standard. The Tree Preservation Order will assist in the good management of the trees in the area.

The management of the woods falls to the landowner and is not the responsibility of Mid Devon District Council. Any concerns regarding the woodland/tree management should be addressed to the land owner initially.

MDDC Tree Officer recommends the Tree Preservation Order to replace the area order 06/00016/TPO be confirmed.

Contact for any more information

Cathy Lynch, Tree Officer
01884 234304

Background Papers File Reference

17/00006/TPO

Circulation of the Report

Members of the Planning Committee